THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P.No.17414 of 2006

Date: 23-08-2006

Between:
T.Palani S/o Tandavaraya Naicker, 61 years
14-1124, Gooting Pet Road, Chittoor

… Petitioner

And:
Andhra Pradesh State Road
Transport Corporation, rep.by its
Depot Manager, Chittoor-I Depot,
Chittoor

… Respondents

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P.No.17414 of 2006

ORDER:

The petitioner filed this writ petition seeking a Mandamus declaring the action of the respondent in with holding an amount of Rs.54,473/- from the retrial benefits, as illegal, contrary to service regulations and Supreme Court judgment and consequently direct the respondent to release the said amount with interest at 12% p.a. from the date of his retirement i.e. 31.12.2003.

The petitioner was appointed as Driver in the respondent – Corporation on 1.09.1972. According to the petitioner, he got three daughters and he had undergone family planning operation in the year 1988. While he was working as Deputy Superintendent (Traffic), the respondent served with a charge sheet dated 28.11.2001 on him, alleging that he has given a false declaration in respect of living children and claimed incentive increment, for which he submitted an explanation on 20.12.2001. Without considering his explanation and without conducting any enquiry, the respondent served final order dated 5.4.2002 on the petitioner, imposing the punishment of with holding of one annual increment, which false next due for a period of six months, which shall not have any effect on future increments. Subsequent to his retirement, the respondent paid an amount of Rs.72,840/- only to him by way of Cheque bearing No.65094 dated 7.5.2004, instead of Rs.1,40,000/-, by with holding an amount of about

Rs.70,000/-. Immediately he made a representation dated 23.06.2004 to the respondent to pay with holding amount; and he has also made representations on 10.05.2005 and 09.08.2005, but no action has been taken by the respondent so far. Hence, he filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent - Corporation. Both the counsel agreed to dispose of the writ petition with a direction to the respondent to consider the representation of the petitioner.

Since the representation dated 23.06.2004 of the petitioner is said to be pending consideration before the Respondent – Corporation and in view of the agreed stand taken by both the counsel, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition directing the respondent – Corporation to consider the representation dated 23.06.2004 of the petitioner and pass appropriate orders thereon in accordance with law, expeditiously.

With the above direction, the writ petition is disposed of. No costs.

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N.V. RAMANA, J

Date: 23-08-2006

BSS/NSR